

Misbranding was alleged for the reason that the package or label bore a statement regarding the article or the ingredients or substances contained therein which was false and misleading and deceived and misled the purchaser, as follows: "Everybody's Colored Distilled Vinegar reduced to 4% Acetic Strength."

On November 21, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16162. Misbranding of sirup. U. S. v. 6 Cases of Sirup. Tried to the court and jury. Special verdict for the Government. Decree of condemnation and forfeiture. Product ordered sold or released under bond to be relabeled.** (F. & D. No. 22709. I. S. No. 17923-x. S. No. 728.)

On April 19, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 13, 1928, an amended libel, praying seizure and condemnation of 6 cases, each containing a number of cans of sirup, remaining in the original unbroken packages at Evanston, Wyo., alleging that the article had been shipped from the Early Coffee Co., Denver, Colo., on or about November 15, 1927, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel as amended that the article contained in the said cans was misbranded so as to deceive and mislead the purchaser in that the cans were labeled in part, "Maple Maid Syrup. Made from pure, refined maple sugar. Manufactured by The Maple Maid Syrup Company, Denver," and bore a design showing a grove or woods of maple trees with buckets hanging from spiles in the trees, and a figure of a woman in the said grove or woods carrying maple-sap buckets, which statements and designs were intended to represent to purchasers that the contents of the said cans were pure maple sirup; whereas it was not maple sirup, but sugar sirup and glucose had been mixed and packed with and substituted in part for maple sirup. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, maple sirup.

On November 28, 1928, the Early Coffee Co., Denver, Colo., having intervened as claimant, and having filed an answer denying that the product was misbranded, the case came on for trial before the court and jury. After hearing the evidence, arguments by counsel, and instructions of the court, the jury retired and after due deliberation returned a special verdict that the labels on the sirup were misleading. On December 27, 1928, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. The decree provided, however, that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16163. Misbranding of flavoring sirups. U. S. v. 57 Kegs of Sirup, et al. Product adjudged misbranded. Released under bond.** (F. & D. No. 21810. I. S. Nos. 17096-x, 17097, 17098-x. S. No. W-2135.)

On April 11, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 140 kegs of flavoring sirups, remaining in the original unbroken packages at Fresno, Calif., alleging that the articles had been shipped by Lyons Bros., from Eagle Fort, Texas, on or about October 29, 1926, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, variously: "Mexican Hot (or "Muscatel Imitation Punch" or "Peach Imitation Punch") Artificially Colored and Flavored."

It was alleged in the libel that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 1, 1929, the products having been theretofore released to the claimant, Lyons Bros., Dallas, Tex., under bond, and having been relabeled to

comply with the requirements of the Federal food and drugs act, final decree was entered adjudging the said products misbranded and ordering the bond exonerated upon payment of all costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16164. Misbranding of Allenrhu. U. S. v. 15 Dozen Bottles of Allenrhu. Default order of destruction entered. (F. & D. No. 23340. S. No. 1464.)**

On January 31, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 dozen bottles of Allenrhu, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Alle-Rhume Remedy Co., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., in various consignments, on or about November 9 and December 31, 1927, and September 22, 1928, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium phosphate and sodium sulphate, small amounts of sodium salicylate and colchicine, free acid, glycerin, and water, flavored with licorice and methyl salicylate.

The article was labeled in part: (Bottle label) "For Rheumatic Aches and Pains When Not Due to Infection. Has Been Found Helpful in Lumbago, Sciatica, Neuralgia, and Neuritis;" (blown in bottle) "For Rheumatic Aches and Pains;" (carton, English and foreign languages) "An Advanced and Improved Preparation for the Treatment of Acute Rheumatism, Lumbago, Rheumatic Neuritis;" (circular) "When you want to get rid of Rheumatism (Not Caused by Infection) \* \* \* Allenrhu will help you correct this \* \* \*. Is your rheumatism caused by infection? \* \* \* The man or woman who has acute rheumatism is the person most concerned with getting rid of it. How to get rid of the pain, the swelling, the inflammation, the agony, and how to prevent its returning after it is apparently conquered is what the sufferer wants to know. There are a few common sense, very simple rules to follow if rheumatism is to be driven out of the system. If these rules are followed when Allenrhu is being taken, the chances of overcoming this trouble in a shorter period of time is enhanced. Allenrhu is a medicine compounded in such a manner that experience of years shows that it has a helpful influence over acute rheumatism \* \* \*. Many rheumatic sufferers are sad and depressed and it is hard to blame them for it \* \* \*. It isn't absolutely necessary to follow these rules when taking Allenrhu and very few people do follow them, but right living helps, as every doctor will tell you, and if you can shorten the duration of the attack by doing all you can to help, it is, of course, for your own good \* \* \*. As a general rule Allenrhu (liquid) will be found sufficient for all ordinary cases of acute Rheumatism."

It was alleged in the libel that the article was misbranded in that certain statements borne on the label were false and fraudulent, in that the said statements imputed to the article certain curative and therapeutic effects, whereas the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 19, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16165. Misbranding of cow tonic. U. S. v. 12 Cans, et al., of Cow Tonic. Default decrees of destruction entered. (F. & D. Nos. 23283, 23284. I. S. Nos. 07126, 07128. S. Nos. 1403, 1404.)**

On December 28, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 30 cans of cow tonic, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Dr. David Roberts Veterinary Co., Waukesha, Wis., alleging that the article had been shipped from Waukesha, Wis., in various consignments between the dates of July 2, 1928, and November 9, 1928, and transported from the State of Wisconsin into the State of Cali-